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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,929	08/25/1999	PAUL A. FARRAR	303.603US1	5871

21186 7590 08/01/2003

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EXAMINER

GRAYBILL, DAVID E

ART UNIT	PAPER NUMBER
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2827

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/382,929

Applicant(s)

FARRAR, PAUL A.

Examiner

David E Graybill

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-10, 12, 14, 15, 18-23, 31-36, 38-46 and 75-93 is/are pending in the application.
- 4a) Of the above claim(s) 15, 18-23, 32, 36, 75-90, 92 and 93 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-6, 8-10, 12, 14, 31, 33-35, 38-46 and 91 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2827

The request filed on 4-10-3 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/382,929 is acceptable and a CPA has been established. An action on the CPA follows.

In the restriction requirement infra, the following guidelines are observed:

MPEP 806.04(d) Definition of a Generic Claim

For the purpose of obtaining claims to more than one species in the same case, the generic claim cannot include limitations not present in each of the added species claims. Otherwise stated, the claims to the species which can be included in a case in addition to a single species must contain all the limitations of the generic claim.

Applicant is advised that the reply to this requirement to be complete must include an election of the inventions to be examined even though the requirement be traversed (37 CFR 1.143).

This application contains claims directed to the following patentably distinct species of the claimed invention: The species wherein the chip is a memory chip, an analog signal processing chip, and a digital signal processor.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from the species wherein the chip is a memory chip, an analog signal processing chip, and a digital signal processor for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic to the species

Art Unit: 2827

wherein the chip is a memory chip, an analog signal processing chip, and a digital signal processor.

This application contains claims directed to the following patentably distinct species of the claimed invention: The species wherein the conductive structure is copper and a copper alloy.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from the species wherein the conductive structure is copper and a copper alloy for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic to the species wherein the conductive structure is copper and a copper alloy.

This application contains claims directed to the following patentably distinct species of the claimed invention: The species wherein the non-structural component is fabricated from carbon and a polymer.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from the species wherein the non-structural component is fabricated from carbon and a polymer for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Art Unit: 2827

Currently, no claim is generic to the species wherein the non-structural component is fabricated from carbon and a polymer.

This application contains claims directed to the following patentably distinct species of the claimed invention: The species wherein the structure is a ribbed structure and a post structure.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from the species wherein the structure is a ribbed structure and a post structure for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic to the species wherein the structure is a ribbed structure and a post structure.

Upon the election of the species wherein the structure is a post structure, this application further contains claims directed to the following patentably distinct species of the claimed invention: The species wherein the post structure is fabricated from carbon, silicon dioxide and a polymer.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from the species wherein the post structure is fabricated from carbon, silicon dioxide and a polymer for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Art Unit: 2827

Currently, claim 31 is generic to the species wherein the post structure is fabricated from carbon, silicon dioxide and a polymer.

Prosecution is being continued on the invention elected and prosecuted by applicant in the prior application, and the claims are further restricted infra.

This application contains claims directed to the following patentably distinct species of the claimed invention: The species including air, foam and helium.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species from the species including air, foam and helium for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic to the species including air, foam and helium.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Art Unit: 2827

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any telephone inquiry of a general nature or relating to the status (MPEP 203.08) of this application or proceeding should be directed to Group 2800 Customer Service whose telephone number is 703-306-3329.

Any telephone inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Graybill at (703) 308-2947. Regular office hours: Monday through Friday, 8:30 a.m. to 6:00 p.m.

The fax phone number for group 2800 is 703/308-7722.



David E. Graybill
Primary Examiner
Art Unit 2827

Application/Control Number: 09/382,929

Page 7

Art Unit: 2827

D.G.

29-Jul-03